

July 9, 2009

Mr. Ford called the workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Walchuk, Mr. Taibi, Mrs. Corcoran, Mr. Badenhausen,  
Mr. Ryland, Mr. Nace, Mr. Ford

Members Absent: Mrs. Dziubek, Mr. Bischoff, Mr. Kirkpatrick

Others Present: Atty. Jolanta Maziarz, Carl Hintz, Kevin Smith, Atty. Scott Carlson,  
James Woods, Brett Skapinetz, William Mulligan, Jeff Houser,  
Michele McBride

**Approval of Minutes:** Mrs. Corcoran made a motion to approve the June 11, 2009 minutes, with a minor change. Mr. Badenhausen seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

**Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West:** Atty. Scott Carlson, representing Pilot, gave a brief overview of the Amended Site Plan. Mr. Carlson said an informal meeting had been held with the Board Attorney, Engineer, Chairman and representatives of Pilot. There was a discussion about widening Route 173 from the approved egress toward Charlestown Road. Pilot had offered \$100,000 for improvements along Route 173. Atty. Carlson said NJDOT approval would be required. He felt confident the approval would be granted. Mr. Carlson asked that Traffic Engineer Brett Skapinetz and William Mulligan be sworn. Messrs. Skapinetz and Mulligan were sworn by Atty. Maziarz. Mr. Skapinetz stated his credentials.

Mr. Ford asked for a motion to accept Mr. Skapinetz as an expert. Mr. Taibi made the motion. Mrs. Corcoran asked Mr. Skapinetz where he had done traffic engineering. Mr. Skapinetz said he had worked with Joseph Staigar. Mr. Staigar had testified at earlier Pilot Hearings. Mrs. Corcoran was receptive to Mr. Skapinetz. Mr. Walchuk seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Skapinetz gave an overview of an Exhibit that was marked B-1 and dated July 9, 2009. The Exhibit was entitled Proposed Highway Widening Plan for Pilot Travel Centers, Page 1 of 1, dated July 8, 2009, as prepared by Joseph Staigar. Mr. Skapinetz said the plan proposes widening the approximate eight-foot wide shoulder by about four feet for a length of about 300 feet, tapering off about forty feet before the intersection. New curbing, relocation of the drainage inlet and utility pole is proposed. Improvements to the intersection are shown on B-1. A street permit will be required from NJDOT. Mr. Ford asked about signage. Mr. Skapinetz said signage would be added, as per Mr. Ford's request. Mr. Skapinetz explained to Mr. Ford the reason for the shoulder widening. Mr. Ford also mentioned placing additional markings to guide traffic making left turns out of the site. NJDOT would have to approve.

Mr. Skapinetz said it would be unusual for NJDOT to grant such an approval. Engineer Smith concurred with Mr. Skapinetz. Mr. Ryland commented about traffic making left hand turns. Traffic does stack up at rush hour. Mr. Taibi asked for clarification of symbols shown on the Exhibit. Mr. Skapinetz explained. Mr. Taibi also asked the purpose for hash marks. Mr. Skapinetz said they show the transition from a single lane into the dedicated left turn lane. Engineer Smith said the purpose is to channel the vehicle into the correct lane. Mr. Taibi asked if it was the right thing to have there. Mr. Skapinetz said it is necessary to funnel traffic properly. Mr. Taibi said he believed it created more of a problem than it solved. He thought the situation could be corrected with arrows. Mr. Skapinetz emphasized that DOT would have to agree. He was willing to work with the Board Engineer and DOT about the issue. Mr. Badenhause was supportive of approaching DOT. Atty. Carlson said they would present the matter to NJDOT.

Mr. Walchuk asked Mr. Skapinetz how the Plan before the Board would address trucks traveling eastbound on Route 173 trying to enter the site through the new main entrance and potentially blinding a vehicle exiting I-78 on Exit 12, as that vehicle was trying to merge onto Route 173 West. Mr. Skapinetz said the proposed additional width would provide more room and flexibility. Mr. Walchuk said he understood the concept. He asked if there could be an actual lane for westbound vehicles. Mr. Skapinetz responded. He said it would probably be a DOT question. However, Mr. Skapinetz thought the lane would probably cause more harm than good. Engineer Smith understood that Pilot would be willing to make some improvements to Route 173. Mr. Smith also said ideas brought up tonight could be discussed at meetings with NJDOT. Atty. Carlson stated the Plan before the Board was a concept based on the Board Chairman's comments. Mr. Carlson said Pilot was willing to work with Board Professionals on a plan that would be submitted to NJDOT. Pilot would return to the Board or work with their engineer if NJDOT would not permit road widening or improvements. Atty. Maziarz indicated her agreement with Atty. Carlson.

Mr. Ryland voiced a concern about the proposal, including Pilot's offer of \$100,000 for improvements. He did not think the proposal would solve the traffic problems. Mr. Ford asked if the \$100,000 would likely cover the improvements. Engineer Smith ventured that it would be enough. Atty. Carlson said if improvements cost more, money could come from another source, or perhaps, the plans would be modified. Mrs. Corcoran thought softening of the curb had been suggested to NJDOT and they would not approve that proposal. Mr. Mulligan responded. He didn't recall the discussion. However, Mr. Mulligan did not see NJDOT not allowing that. Mrs. Corcoran asked the cost of relocating a utility pole. Mr. Mulligan said that was the variable in the equation. Mr. Skapinetz thought it would be about \$50,000. Engineer Smith said he would like to see the next pole to the east moved. Mr. Mulligan said that pole is three feet off the pavement. Mr. Smith said Pilot and his office would work together on the project.

Mr. Smith brought up the issuance of a CO. Should the CO be tied to improvements, should there be a temporary CO and should a time period be associated with that CO? Mrs. Corcoran indicated she would like that to be included. Atty. Carlson said his client would be amenable. He said Pilot would come back to the Board in 60 days to discuss the application to NJDOT and then appear in 120 days to apprise the Board on the status of the improvements and the permit. Mr. Badenhausen asked how long it might take to obtain the State permit. Atty. Carlson said that it would probably be within a four to six month range. Pilot would return to the Board with additional status reports, if necessary.

Mr. Smith said the last issue was the status of the new on-site sewage disposal system. He understood the process is moving forward. Mr. Smith said it was discussed as to whether the system should be included in the temporary CO. Atty. Carlson responded. He understood the system should be in operation within a year. Pilot would be amenable to completion of the system being included in the temporary CO. Mr. Ford asked Mr. Hintz for comments. Mr. Hintz said he had none on traffic issues. Mr. Ford asked how the holes from the service pit would be filled. Mr. Mulligan said the foundation would be dismantled and backfilled with select materials. Engineer Smith said that would be satisfactory. Mr. Walchuk asked about remediation of petroleum residues in the bottom of the pit. Mr. Smith said that issue would have to be addressed as part of the dismantling process. Mr. Mulligan said the pits do not store petroleum products.

Mr. Ford asked Atty. Carlson if he was done with testimony. Mr. Carlson replied in the affirmative. He said Pilot believes the amended plan is an improvement over the approved site plan. Atty. Carlson also said he hoped proposed off-site improvements were satisfactory to the Board.

Mr. Ford asked for comments from the Public. Michele McBride, 10 Old Forge Lane, noted that trucks frequently park illegally on the southbound side of Route 173. She said sometimes they park for ten minutes and sometimes overnight. Ms. McBride was concerned about a potential increase in illegal parking. Mr. Skapinetz said there would be appropriate no parking signage. Enforcement would be by the NJDOT/State Police. Ms. McBride said it would be a huge benefit to those who go through the Charlestown Road/ Route 173 Intersection multiple times a day if Pilot would try to enforce the no parking rules.

Atty. Carlson said another issue was the matter of the trailers. Mr. Ford said that would be handled separately.

There were no other questions from the Public. Mr. Ford asked for a motion. Mr. Walchuk made a motion to approve the plans, as presented, subject to all conditions that have been discussed and imposed this evening. Mr. Taibi seconded the motion.

Atty. Maziarz recited the conditions. Applicant agrees to comply with recommendations in the report of the Board Engineer, dated June 17, 2009; applicant will comply with recommendations of the Board Planner in a report dated June 18, 2009; applicant will install a directional sign for the bypass lane and the scale to ensure that trucks do not exit to the west of the fuel island to the satisfaction of the Board Engineer; applicant will install no stopping and no parking signs on both sides of the island, to the satisfaction of the Board Engineer; applicant shall install a sign at the northwest end of the island indicating that trucks exiting west parking spaces must go north of the island to circulate or exit, to the satisfaction of the Board Engineer; applicant will locate the scale exit lane on the north side of the swale curb to the satisfaction of the Board Engineer; applicant shall extend the island to the east, to the satisfaction of the Board Engineer; applicant will maintain the fencing and landscaping in a serviceable condition, to the satisfaction of the Board Engineer; applicant will apply to the NJDOT for a permit; applicant will post a bond in the amount of \$100,000 for six months for off-site improvements, applicant will appear before the Board to discuss an extension of the bond if the improvements have not been completed in that time; a temporary CO will be issued, applicant will be required to update the Board in sixty days with the progress of the NJDOT Permit application; thereafter, applicant will be required to update the Board every 120 days; the TCO will be tied to installation of the wastewater management system; applicant will be able to apply for a CO when the wastewater management system has been completed.

Mrs. Corcoran had a question as to whether a NJPDES Permit would be required. Jeff Houser, representing Pilot, was sworn by Atty. Maziarz. Mr. Houser's experience focused on on-site wastewater treatment and disposal systems. He said Pilot would be regulated under a T1 Permit. Atty. Maziarz said since additional testimony had been presented, the Public would have to be given an opportunity to comment or ask questions of Mr. Houser. Mr. Ford asked for comments or questions. There were none.

Mrs. Corcoran had another question. Would Pilot be willing to enforce truck parking in front of the site? Mr. Mulligan said Pilot has no authority. Pilot agreed to put signs inside the facility stating that it is illegal to park on the shoulder. If that were acceptable to the NJDOT; that signage would be a condition of approval and must be to the satisfaction of the Board Engineer.

Atty. Carlson asked the Board to grant permission for Pilot to proceed with construction prior to memorializing the Resolution. Atty. Maziarz said a new motion would be required because the Hearing was reopened for testimony. Atty. Carlson asked if his request could be a condition. Mr. Ford told Atty. Carlson that a motion would be made for his request.

Mr. Ford asked Mr. Walchuk for a motion. Mr. Walchuk made a motion to approve applicant's proposed site plan, with all conditions stated by Counsel. Mr. Taibi seconded the motion.

Vote: Ayes: Mr. Walchuk, Mr. Taibi, Mrs. Corcoran, Mr. Badenhausen, Mr. Ryland  
Mr. Nace, Mr. Ford

Mrs. Corcoran made a motion allowing Pilot to proceed with construction prior to Memorialization of the Resolution. Mr. Badenhausen seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Badenhausen, Mr. Walchuk, Mr. Taibi, Mr. Ryland  
Mr. Nace, Mr. Ford

Atty. Carlson asked that permission be granted to allow the construction trailers to remain at the site for ninety days from today. Atty. Maziarz said any conditions imposed previously in the use variance and site plan application still apply. The use of the trailers will be discontinued and removed promptly after the building has been reoccupied. Mr. Ford said a motion would be appropriate to extend the time the trailers can remain.

Mr. Taibi made a motion to extend the timeframe for the use of the trailers for ninety days, as discussed at this meeting. Mrs. Corcoran seconded the motion.

Vote: Ayes: Mr. Taibi, Mrs. Corcoran, Mr. Walchuk, Mr. Badenhausen, Mr. Ryland,  
Mr. Nace, Mr. Ford

**Recommendation for Ordinance Fee Changes:** Mr. Ford had prepared spreadsheets showing Union Township's and nearby municipalities application and escrow fees. Mr. Ford had also prepared a memo with recommended fee changes.

Mrs. Corcoran made a motion to recommend that the Committee adopt the changes. Mr. Ryland seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Ryland, Mr. Walchuk, Mr. Taibi, Mr. Badenhausen,  
Mr. Nace, Mr. Ford

**Correspondence: Sterling Point: Block 22, Lots 4, 4.0 and 4.01:** Letter dated June 23, 2009 from Mark Hay Re: Solar farm. Mr. Hay will be asked for additional information before being placed on a workshop agenda.

**Public Comment/Other Discussion:** Municipal Attorney Jost appeared before the Board to apprise them of the intention of the Township Committee to sell the former Douglass Farm. The Township wants to sell the property as a preserved farm with the option of having another dwelling on the site. A tenant house exists on the property. Mr. Jost and Board Attorney Anderson had discussed the issue and it was determined that it would be advisable to submit an application to the Board. Atty. Jost asked that the application be heard at the July 23, 2009 Board meeting. Michele McBride, UTEC Vice-Chair, commented favorably on the proposal.

**Motion to Adjourn:** Mr. Walchuk made the motion. Mrs. Corcoran seconded it.

Vote: All Ayes (9:00 p.m.)













